

## **REMARKS**

### **Drawing Objections**

In the Office Action the drawings are objected to for not showing a bus, a memory, a circuit, a processor, a network router, a wireless mobile phone, and a personal digital assistant. The Applicant would like to direct Examiner's attention to Figure 7, which illustrates a system 300 (which may be a wireless mobile phone, a personal digital assistant, a network router, etc. See paragraph [0037]), a circuit 304, a processor 312, a bus 308, and a memory 316. The Applicant asserts these claimed elements are properly shown in the drawings and therefore respectfully request that the Examiner withdraw these objections.

### **Claim Objections**

Claims 23 and 24 are objected to under 37 CFR 1.75(c) as being improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 23 refers to claim 18 and limits the subject matter of 18 by stating that the "circuit further includes a processor."

Claim 24 refers to claim 23 and limits the subject matter of 23 by stating that the "system is a selected one of a group consisting of a network router, a wireless mobile phone, and a personal digital assistant."

These claims both present proper dependency structure by further limiting the claims to which they refer. Therefore, the Applicant respectfully requests that the Examiner withdraw this objection to these claims.

### **Claim Rejections—35 USC 102**

Claims 1, 4-6, 18, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ma (US 6,529,093) (hereinafter "Ma").

Claim 1, as amended, recites an electromechanical switching having:

- a signal contact;
- an actuation electrode;
- a beam to electrically couple to the signal contact when an actuating voltage is applied to the actuation electrode; and
- a metallic coating to at least facilitate the existence of an arc reduction environment.

Claim 1 has been amended to clearly recite "a metallic coating to at least facilitate the existence of an arc reduction environment."

Ma discloses a dielectric layer 511/509 being applied to an actuating electrode 507 and a signaling electrode 505. The dielectric layer of Ma is simply to prevent direct current flow from the cantilever beam into the electrodes when the switch is activated the cantilever beam comes in contact with the electrodes. One skilled in the art would not read the dielectric coating of Ma to teach the metallic coating recited in claim 1.

Because Ma does not include this element, an anticipation rejection based on this article is improper. For at least this reason, the Applicant respectfully requests that the Examiner withdraw this rejection of this claim. Furthermore, claims 4-6, 18, 20 and 21 depend from, or include limitations similar to, claim 1 and are patentably distinct from Ma for at least the reasons given above.

In the Office Action, claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Shirakawa (US 6,115,231) (hereinafter "Shirakawa").

Shirakawa, similar to Ma, simply discloses a dielectric over an actuating electrode to prevent direct current flow between the conductors when they are in direct contact. One skilled in the art would not read the dielectric coating of Shirakawa to teach the metallic coating recited in claim 1.

Because Shirakawa does not include this element, an anticipation rejection based on this article is improper. For at least this reason, the Applicant respectfully requests that the Examiner withdraw this rejection of this claim. Furthermore, claim 8 depends from claim 1 and is patentably distinct from Shirakawa for at least the reasons given above.

Claims 1 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Wong (US 20040031670) (hereinafter "Wong").

Wong, similar to Ma and Shirikawa, simply discloses a dielectric layer between an electrode and a beam of an electromechanical switch to prevent direct current flow between the conductors when they are in direct contact. One skilled in the art would not read the dielectric coating of Wong to teach the metallic coating recited in claim 1.

Because Wong does not include this element, an anticipation rejection based on this article is improper. For at least this reason, the Applicant respectfully requests that the Examiner withdraw this rejection of this claim. Furthermore, claims 8-10 depend from claim 1 and are patentably distinct from Wong for at least the reasons given above.

#### CLAIM REJECTIONS—35 U.S.C. 103

In the Office Action, Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ma in view of Tourino, *et al.* (US 6,809,412) (hereinafter “Tourino”). The applicant respectfully traverses this rejection of this claim.

Ma does not teach, suggest or imply a metallic coating to facilitate an existence of an arc reduction environment. Because Tourino does not correct for this deficiency, Claim 2 is patentable over this combination for at least the reasons given above. Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection of these claims.

In the Office Action, Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma in view of Wyse, *et al.* (US 6,663,424) (hereinafter “Wyse”). The applicant respectfully traverses this rejection of this claim.

As discussed above, Ma does not teach, suggest or imply a metallic coating to facilitate an existence of an arc reduction environment. Because Wyse does not correct for this deficiency, these claims are patentable over these articles for at least the reasons given above.

Additionally, the Applicants would like to point out that “the mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fitch*, 972 F.2d 1260 (Fed. Cir. 1992). Therefore, merely asserting that Wyse teaches that a hydride could be used as a dielectric coating without providing a motivation to modify the particular dielectric coating taught in Ma to comprise a hydride, does not support a proper combination of teachings.

In the Office Action, Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma in view of Duff, Jr. (US 20040175561) (hereinafter "Duff"). The applicant respectfully traverses this rejection of these claims.

As discussed above, Ma does not teach, suggest or imply a metallic coating to facilitate an arc reduction environment. Because Duff does not correct for this deficiency, these claims are patentable over these articles for at least the reasons given above.

Furthermore, the Applicants would like to point out that there is insufficient motivation to modify the particular dielectric coating taught in Ma to comprise titanium.

CONCLUSION


For these reasons, the applicant respectfully requests allowance of pending Claim 1-10 and 18-24.

If Examiner has any questions, he is invited to contact the undersigned at (503) 796-2972.

The Commissioner is hereby authorized to charge shortages or credit overpayments to deposition account No. 500393.

Respectfully submitted,  
Schwabe, Williamson & Wyatt, P.C.

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Nathan R. Maki  
Reg. No. 51110

Pacwest Center, Suite 1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-222-9981